

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK B. ARONSON,

CIVIL DIVISION

Plaintiff,

CASE NO. \_\_\_\_\_

vs.

PALMCO ENERGY PA LLC d/b/a  
INDRA ENERGY, and PALMCO  
POWER PA LLC d/b/a INDRA  
ENERGY,

Removed from the Common Pleas Court of  
Allegheny County, Pennsylvania  
Civil Division No. GD-19-016831

Defendants.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, Defendants, PALMCO ENERGY PA LLC d/b/a INDRA ENERGY, and PALMCO POWER PA LLC d/b/a INDRA ENERGY (“Defendants”), by and through their counsel, Mintzer Sarowitz Zeris Ledva & Meyers, LLP, hereby removes the above-captioned civil action from the Common Pleas Court of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania for all further proceedings, reserving any and all defenses and exceptions. As grounds for removal, Defendants state as follows:

1. On or about November 27, 2019, Plaintiff initiated this action in the Court of Common Pleas of Allegheny County against Defendants, PALMCO ENERGY PA LLC d/b/a INDRA ENERGY, and PALMCO POWER PA LLC d/b/a INDRA ENERGY.

2. On or about December 5, 2019 Defendants were served by certified mail with a copy of Plaintiff’s Complaint. A copy of Plaintiff’s Complaint and Verification of Service filed by Plaintiff are attached collectively hereto as Exhibit A.

3. On or about December 6, 2019, without leave of Court, Plaintiff filed an Amended Complaint, a copy of which is attached hereto as Exhibit B.

4. On or about December 13, 2019, without leave of Court, Plaintiff filed a Second Amended Complaint, a copy of which is attached hereto as Exhibit C.

5. On or about December 19, 2019, without leave of Court, Plaintiff filed a Third Amended complaint, a copy of which is attached hereto as Exhibit D.<sup>1</sup>

6. On or about December 19, 2019 Defendants were served by certified mail with a copy of Plaintiffs' Amended Complaint. A copy of the Verification of Service filed by Plaintiff is attached hereto as Exhibit E.

7. As of the time of the filing of this motion Plaintiff has not served Defendants with either the Second or Third Amended Complaints.

8. Plaintiff's original and amended complaints constitute all process, pleadings, and orders served upon Defendants and undersigned counsel.

9. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446(b).

10. Plaintiff's Complaint (and amended complaints) prays for various forms of relief, including but not limited to, statutory damages under the Telephone Consumer Protection Act 47 U.S.C. §227, Pennsylvania Telemarketer Registration Act and the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

11. Plaintiff's claims under the Telephone Consumer Protection Act involve a Federal Question, which provides a basis for this Court to exercise jurisdiction over this action pursuant to 28 U.S.C. §1331.

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<sup>1</sup> Copies of plaintiff's Second and Third Amended Complaints were obtained from the Allegheny County Court's website.

12. A copy of this Notice of Removal will be promptly filed with the Court of Common Pleas of Allegheny County, Pennsylvania.

WHEREFORE, Defendants, PALMCO ENERGY PA LLC d/b/a INDRA ENERGY, and PALMCO POWER PA LLC d/b/a INDRA ENERGY, hereby request that this Notice of Removal be deemed sufficient and that this matter be removed to this Court for all further proceedings.

**MINTZER, SAROWITZ, ZERIS, LEDVA  
& MEYERS, LLP**

BY: /s/ Jason G. Wehrle  
JASON G. WEHRLE, ESQUIRE  
Attorney for Defendants, PALMCO ENERGY PA  
LLC d/b/a INDRA ENERGY, and PALMCO  
POWER PA LLC d/b/a INDRA ENERGY

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 3<sup>rd</sup> day of January 2020, a true and correct copy of the within NOTICE OF REMOVAL was provided to the parties, either individually or through their counsel, as listed below, and in the manner indicated:

- ☒ FIRST CLASS MAIL, POSTAGE PREPAID AT SEWICKLEY, PA 15143
- ☐ VIA FACSIMILE TRANSMISSION
- ☐ VIA EMAIL TRANSMISSION
- ☐ HAND-DELIVERY

Mark B. Aronson  
2525 Greensburg Pike  
Pittsburgh, PA 15221

**MINTZER, SAROWITZ, ZERIS, LEDVA  
& MEYERS, LLP**

BY: /s/ Jason G. Wehrle  
JASON G. WEHRLE, ESQUIRE  
Attorney for Defendants, PALMCO ENERGY PA  
LLC d/b/a INDRA ENERGY, and PALMCO  
POWER PA LLC d/b/a INDRA ENERGY